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Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-60 are pending.

Information Disclosure Statement

2.   The references cited in the Information Disclosure Statements (IDS) filed have been considered.

Drawings

3.   The drawings are objected to by the Draftsperson under 37 CFR 1.84 or 1.152 (see form PTO-948).

4.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "1104" (Fig. 11). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing-sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5.   The disclosure is objected to because of the following informalities: the term "Web server 31" (paragraph [0070], line 14) should be replaced with --Web server 71--.

6.   The disclosure is objected to because it contains an embedded hyperlink and/or other

form of browser-executable code (see e.g., paragraph [0079]). Applicant is required to delete the

embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

     Appropriate correction is required.

Claim Objections

7.   Claims 2, 16, 21, 24, 29, 35, 41, 48, 52, 55, and 59 are objected to because of the

following informalities: the term "MMS" is an acronym, which could mean different things

and/or change in meaning overtime, hence it would be desirable to write out the actual words to

which the acronym refers. Appropriate correction is required.

8.   Claims 18-22 are objected to because of the following informalities: the term "the

encrypted predetermined identifier" (line 15) should be replaced with --the encrypted

predetermined indicator-- in order to be consistent with claim terminology. Appropriate

correction is required.

9.   Claim 32 is objected to under 37 CFR 1.75(c), as being of improper dependent form for

failing to further limit the subject matter of a previous claim. Applicant is required to cancel the

claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the

claim(s) in independent form. The limitation "said responding to a single-action user input

comprises sending a command to the remote processing system with the content, the command

instructing the remote processing system to store the content in association with the user" fails to

further limit the subject matter of previous claim 28 from which it depends since claim 28 recites

"to respond to a single-action user input ... by sending a command to the remote processing

system with the content), the command instructing the remote processing system to store the

content in association with a user of the mobile device". Appropriate correction is required.

10.   Claim 56 is objected to because of the following informalities: the term "the end user"

should be corrected in order to be consistent with claim terminology since no "end user" is

mentioned earlier in the claim.

Claim Rejections - 35 USC § 102

11.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12.   Claims 1, 3-6, and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by

Thakker (Patent No. US 6,487,602; cited in IDS filed on 11/25/2005).

Regarding claim 1, Thakker discloses a method comprising: receiving a message (Fig. 3,

reference 140a) sent over a network (Fig. 3, reference 10) by a first user from a mobile device

(Fig. 3, reference 20), the message conforming to an asynchronous messaging protocol for

sending person-to-person messages between mobile devices (Fig. 3, reference 140a; note that

SMS is an asynchronous messaging protocol for sending person-to-person messages between

mobile devices) identifying a specified destination of the message (Fig. 3, reference 110; col. 4,

lines 3-6); determining whether the specified destination corresponds to a predetermined

destination (col. 4, lines 3-6); if the specified destination corresponds to the predetermined

destination, then using an indicator in the message to identify network-based content that has been published by a second user (col. 5, lines 6-10); and sending the network-based content to the first user in response to the message (col. 5,lines 14-17).

Regarding claim 3, Thakker discloses wherein the specified destination is a telephone number (col. 4, lines 3-6)

Regarding claim 4, Thakker discloses wherein the predetermined destination is a telephone number of an entity other than an end user (col. 4, lines 7-11).

Regarding claim 5, Thakker discloses wherein the predetermined destination is a telephone number of a network operator (col. 3, lines 52-57 and col. 4, lines 7-11).

Regarding claim 6, Thakker discloses wherein the predetermined destination is a telephone number of a wireless carrier (col. 3, lines 52-57 and col. 4, lines 7-11).

Regarding claim 10, Thakker discloses wherein the method is performed within an intermediary processing system that couples a wireless network to a wireless computer network (Fig. 3).

Regarding claim 11, Thakker discloses wherein the predetermined indicator comprises a keyword (col. 4, lines 17-28).

13.   Claims 33-38 and 40-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Nemirofsky et al. (hereinafter "Nemirofsky"; Pub. No.: US 2004/0117255).

Regarding claim 33, Nemirofsky discloses a method of accessing published content from a mobile device on a wireless network, the method comprising: outputting a user interface on the mobile device (paragraph [0034]); and responding to a single-action user input directed to the user interface (paragraph [0034]) by requesting content from a remote processing system using a

first message which conforms to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (paragraphs [0045] and [0055]).

Regarding claim 34, Nemirofsky discloses a method as recited in claim 33, wherein the first message causes the remote processing system to transmit the content to the mobile device in a second message which conforms to said protocol (paragraphs [0055] and [0057]).

Regarding claim 35, Nemirofsky discloses a method as recited in claim 33, wherein the first message and the second message are MMS messages (paragraphs [0045] and [0057]).

Regarding claim 36, Nemirofsky discloses a method as recited in claim 34, wherein the content comprises rich media content (paragraph [0057]).

Regarding claim 37, Nemirofsky discloses a method as recited in claim 33, wherein the first message is addressed using a telephone number (paragraph [0055]).

Regarding claim 38, Nemirofsky discloses a method as recited in claim 33, wherein the content has been previously published on the remote processing system by a publishing end user (paragraph [0055]; note the advertiser).

Regarding claim 40, Nemirofsky discloses a mobile device comprising: a communication interface to enable the mobile device to communicate over a wireless network (Fig. 2, paragraph [0020]); a display device (Fig. 2, paragraph [0020]); a processor (Fig. 2, paragraph [0020]); and a memory storing software (Fig. 2, paragraph [0020]) which, when executed by the processor, causes the mobile device to output a user interface on the display device (paragraphs [0034] and [0044]), and to respond to a single-action user input directed to the user interface from a user of the mobile device (paragraphs [0034] and [0044]), by requesting published content from a remote processing system using a first message (paragraph [0055]), the first message conforming

to an asynchronous messaging protocol for sending person-to-person messages between mobile

devices (paragraph [0045]), such that, in response to the first message, the content is transmitted

to the mobile device in a second message conforming to said protocol (paragraph [0057]).

Regarding claim 41, Nemirofsky discloses a mobile device as recited in claim 40,

wherein the first message and the second message are MMS messages (paragraphs [0045] and

[0057]).

Regarding claim 42, Nemirofsky discloses a mobile device as recited in claim 40,

wherein the content comprises rich media content (paragraph [0057]).

Regarding claim 43, Nemirofsky discloses a mobile device as recited in claim 40,

wherein the first message is addressed using a telephone number (paragraph [0055]).

Regarding claim 44, Nemirofsky discloses a mobile device as recited in claim 40,

wherein the content has been previously published on the remote processing system by a

publishing end user (paragraph [0055]; note the advertiser).

14.   Claims 46-47, 49-51, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by

Smith (Pub. No.: US 2002/0042277).

Regarding claim 46, Smith discloses a method of providing location services, the method

comprising: receiving a first message (Fig. 2, reference 27) from a mobile device (Fig. 2,

reference 21) via a wireless network (paragraphs [0008] and [0024]), the first message

conforming to an asynchronous messaging protocol for sending person-to-person messages

between mobile devices (paragraph [0008]; note that e-mail is an asynchronous messaging

protocol); detecting a predetermined indicator in the first message (paragraph [0024]; note the

*LOC); and in response to detecting the predetermined indicator in the first message (paragraph

[0024]), identifying a destination specified by the first message (paragraph [0024]; note the

directory number), identifying an end user associated with the destination (paragraph [0024]),

and invoking a location service to determine a current location of the end user associated with

the destination (paragraphs [0024]-[0025]).

Regarding claim 47, Smith discloses a method as recited in claim 46, further comprising

sending a second message indicating the current location of the end user to the mobile device as

a response to the first message (paragraph [0025]), the second message conforming to said

protocol (paragraph [0008]).

Regarding claim 49, Smith discloses a method as recited in claim 46, wherein the

destination is a telephone number of the end user (paragraph [0024]).

Regarding claim 50, Smith discloses a method as recited in claim 49, wherein the

predetermined indicator comprises a keyword (paragraph [0024]).

Regarding claim 51, Smith discloses a processing system comprising: a communications

interface (paragraphs [0023]-[0024]; note that this is inherently present given that it

receives/transmits communication from/to the mobile device); a processor (paragraphs [0024]-

[0025]; note that this is inherently present given that Smith shows a process, the process would

be implemented by a processor); and a memory storing software (paragraphs [0024]-[0025]; note

that this is inherently present given that Smith shows a process, the process would be

implemented by a processor that requires memory, e.g., a RAM, to function) which, when

executed by the processor, causes the processing system to execute a process that includes

receiving a first message (Fig. 2, reference 27) from a mobile device (Fig. 2, reference 21) via a

wireless network through said communications interface (paragraphs [0008], [0024], and

[0026]), the first message conforming to an asynchronous messaging protocol for sending

person-to-person messages between mobile devices(paragraph [0008]; note that e-mail is an

asynchronous messaging protocol); the message having a destination telephone number

(paragraph [0024]); detecting a predetermined indicator in the first message (paragraph [0024];

note the *LOC), the predetermined indicator indicating that the first message is a request to

locate an individual (paragraph [0024]; note the *LOC); and in response to detecting the

predetermined .indicator in the first message (paragraph [0024]), identifying an end user

associated with the destination telephone number (paragraph [0024]), invoking a location service

to determine a current location of the end user associated with the destination telephone number

(paragraph [0024]), and sending a second message indicating the current location of the end user

to the mobile device as a response to the first message (paragraphs [0024]-[0025]), the second

message conforming to said protocol (paragraph [0008]).

  Regarding claim 53, Smith discloses a processing system as recited in claim 51, wherein

the predetermined indicator comprises a keyword (paragraph [0024]).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

16. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

      1.   Determining the scope and contents of the prior art.

      2.   Ascertaining the differences between the prior art and the claims at issue.

      3.   Resolving the level of ordinary skill in the pertinent art.

      4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

17.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker.

Regarding claim 2, Thakker discloses a method as recited in claim 1 (see above). Thakker fails to disclose wherein the messaging protocol is MMS, and the message is an MMS message. Nonetheless, Thakker does disclose SMS messaging protocol and the message is an SMS message (Fig. 2, reference 140a).

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messaging protocol and MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a

multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

19.   Claims 7 and 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker in view of Ohmae et al. (hereinafter "Ohmae"; Pub. No.: US 2003/0053608; cited in IDS filed on 9/20/2005).

Regarding claim 7, Thakker discloses a method as recited in claim 4 (see above). Thakker fails to disclose wherein the message includes a telephone number of the second user, and wherein the indicator comprises the telephone number of the second user, such that said using an indicator in the message to identify a network-based resource comprises using the telephone number of the second user to identify the network-based resource.

However, Ohmae, in a method which identifies network-based content that has been published by a second user, discloses wherein the message includes a telephone number of the second user (paragraphs [0081] and [0097]-[0098]), and wherein the indicator comprises the telephone number of the second user (paragraphs [0096]-[0102]), such that said using an indicator in the message to identify a network-based resource comprises using the telephone number of the second user to identify the network-based resource (paragraphs [0026] and [0096]-[0102]; note that in Ohmae the photographer and/or the permitted viewer can view the images stored by sending user authentication information, which incorporates a telephone number, used to identify the network-based content).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to include in the message of Thakker a telephone number of the second

user, and wherein the indicator comprises the telephone number of the second user, such that said using an indicator in the message to identify a network-based resource comprises using the telephone number of the second user to identify the network-based resource as suggested by Ohmae.

One of ordinary skill in this art would have been motivated to include in the message a telephone number of the second user, and wherein the indicator comprises the telephone number of the second user, such that said using an indicator in the message to identify a network-based resource comprises using the telephone number of the second user to identify the network-based resource because it will correspond the information with the stored, published data (paragraph [0026]) necessary for responding to the user's request (paragraph [0074]), thereby, preventing unauthorized users to access the content.

Regarding claim 12, Thakker discloses a method of providing access to network-based content, the method being performed in a processing system coupled to a wireless network and to a wireline computer network (Fig. 3), the method comprising:

receiving a message sent over the wireless network by a first end user from a mobile device (Fig. 3, reference 140a), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (Fig. 3, reference 140a; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices); identifying a destination telephone number to which the message is directed (col. 4, lines 3-6), wherein the destination telephone number is a telephone number of a network entity other than an end user (col. 4, lines 3-6); determining whether the destination telephone number corresponds to a predetermined number (col. 4, lines 3-6); if the destination telephone

number corresponds to the predetermined number, then identifying a predetermined indicator in the message (col. 4, lines 17-28 and col. 5, lines 6-10), using the predetermined indicator in the message to identify network-based content that has been published by the second end user (col. 4, lines 17-23 and col. 5, lines 6-10; note that the information is inherently published by a second user), and sending the network-based content to the first end user (col. 5, lines 14-17).

Thakker fails to disclose the message including a telephone number of a second end user and using the telephone number of the second end user in the message to identify network-based content.

However, Ohmae, in a method which identifies network-based content that has been published by a second end user, discloses the message including a telephone number of a second end user (paragraphs [0081] and [0097]-[0098]), and using the telephone number of the second end user in the message to identify network-based content (paragraphs [0026] and [0096]-[0102]; note that in Ohmae the photographer and/or the permitted viewer can view the images stored by sending user authentication information, which incorporates a telephone number, used to identify the network-based content).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to include in the message of Thakker a telephone number of the second user, and using the telephone number of the second end user in the message to identify network-based content as suggested by Ohmae.

One of ordinary skill in this art would have been motivated to include in the message a telephone number of the second user, and using the telephone number of the second end user in the message to identify network-based content because it will correspond the information with

the stored, published data (paragraph [0026]) necessary for responding to the user's request

(paragraph [0074]), thereby, preventing unauthorized users to access the content.

Regarding claim 13, Thakker discloses wherein the predetermined destination is a

telephone number of a network operator (col. 3, lines 52-57 and col. 4, lines 7-11).

Regarding claim 14, Thakker discloses wherein the predetermined destination is a

telephone number of a wireless carrier (col. 3, lines 52-57 and col. 4, lines 7-11).

Regarding claim 15, in the obvious combination, Ohmae discloses wherein the network-

based resource has been previously associated with the telephone number of the second end user

and the predetermined indicator by the second end user (paragraphs [0018] and [0081]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention

by applicant to previously associate the network-based resource with the telephone number of

the second end user and the predetermined indicator by the second end user as suggested by

Ohmae because the data is stored efficiently in a memory device (Ohmae: paragraph [0018]).

Regarding claim 16, Thakker in combination with Ohmae fails to disclose wherein the

messaging protocol is MMS and the message is an MMS message. Nonetheless, Ohmae in

combination with Thakker does disclose wherein the messaging protocol is SMS and the

message is an SMS message (Thakker: Fig. 2, reference 140a).

However, the Examiner takes Official Notice of the fact that at the time the invention was

made it was well-known in the art to use MMS messaging protocol and MMS messages since

MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving

multimedia messages which can include any combination of formatted text, images,

photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in

IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 17, Thakker discloses wherein the predetermined indicator comprises a keyword (col. 4, lines 17-28).

20.   Claims 8-9 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thakker in view of Vatanen et al. (hereinafter "Vatanen"; Pub. No.: US 2003/0078058).

Regarding claim 8, Thakker discloses a method as recited in claim 4 (see above) wherein the indicator comprises an identifier of the network-based content (col. 4, lines 17-28 and col. 5, lines 6-10), the method further comprising using the identifier to identify the network-based resource (col. 5, lines 6-10).

Thakker fails to disclose a **cryptographic** identifier.

However, Vatanen discloses a **cryptographic** identifier (paragraph [0006]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate in the indicator of Thakker a cryptographic identifier as suggested by Vatanen.

One of ordinary skill in this art would have been motivated to incorporate in the indicator a cryptographic identifier because it is known that short messages can be encrypted to insure that

the message will not be visible in plain or unencrypted form to outsiders or unintended third

parties (Vatanen: paragraph [0006]); hence, providing a more secure and safer transmission.

Regarding claim 9, in the obvious combination, Thakker discloses wherein the network-

based resource is identified based only on the cryptographic identifier (col. 5, lines 6-10)

Regarding claim 18, Thakker discloses a method of providing access to network-based

content, the method being performed in a processing system coupled to a wireless network and to

a wireline computer network, the method comprising:

receiving a message sent over the wireless network by a first end user from a mobile

device (col. 4, lines 17-28 and [50-55]), the message conforming to an asynchronous messaging

protocol for sending person-to-person messages between mobile devices (col. 4, lines 25-28;

note that SMS is an asynchronous messaging protocol for sending person-to-person messages

between mobile devices); identifying a destination telephone number to which the message is

directed (col. 4, lines 3-6; note the E.164 number), wherein the destination telephone number is a

telephone number of a network entity other than an end user (col. 4, lines 7-12); determining

whether the destination telephone number corresponds to a predetermined number (col. 4, lines

3-16); if the destination telephone number corresponds to the predetermined number then

identifying a predetermined indicator in the message (col. 4, lines 52-61), using the

predetermined identifier to identify network-based content previously published by a second end

user (col. 5, lines 6-10; note that the network-based content is by accessing a website, whose

information has inherently been published by a second end user), and sending the network-based

content to the first end user (col. 5, lines 10-17).

Thakker fails to disclose an **encrypted** predetermined indicator.

However, Vatanen discloses an **encrypted** predetermined indicator (paragraph [0006]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to encrypt the predetermined indicator of Thakker as suggested by Vatanen.

One of ordinary skill in this art would have been motivated to encrypt the predetermined indicator because it is known that short messages can be encrypted to insure that the message will not be visible in plain or unencrypted form to outsiders or unintended third parties (Vatanen: paragraph [0006]); hence, providing a more secure and safer transmission.

Regarding claim 19, in the obvious combination, Thakker discloses wherein the destination telephone number is telephone number of a network operator (col. 3, lines 52-57).

Regarding claim 20, in the obvious combination, Thakker discloses wherein the destination telephone number is telephone number of a wireless carrier (col. 3, lines 52-57).

Regarding claim 21, Thakker in combination with Vatanen fails to disclose wherein the messaging protocol is MMS and the message is an MMS message. Nonetheless, Thakker does disclose SMS messaging protocol and the message is an SMS message (Fig. 2, reference 140a).

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messaging protocol and MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a

multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it

would have been obvious to one of ordinary skill in this art at the time the invention was made to

use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 22, in the obvious combination, Thakker discloses wherein the

predetermined indicator comprises a keyword (col. 4, lines 17-28).

21.   Claims 33, 38-39, 40, and 44-45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Randall et al. (hereinafter "Randall"; Pub. No.: US 2004/0024846) in view of

Thakker.

Regarding claim 33, Randall discloses a method of accessing published content from a

mobile device on a wireless network (paragraph [0053]), the method comprising: outputting a

user interface on the mobile (paragraph [0491]); and responding to a single-action user input

directed to the user interface (paragraph [0493]) by requesting content from a remote processing

system using a first message (paragraph [0493]).

Randall fails to disclose a first message, which conforms to an asynchronous messaging

protocol for sending person-to-person messages between mobile devices.

However, Thakker discloses a method of accessing published content from a mobile

device on a wireless network wherein content is requested from a remote processing system

using a first message, which conforms to an asynchronous messaging protocol for sending

person-to-person messages between mobile devices (Fig. 3, reference 140a; note that SMS is an

asynchronous messaging protocol for sending person-to-person messages between mobile

devices).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of

invention by applicant to conform the message of Randall as an asynchronous messaging

protocol for sending person-to-person messages between mobile devices as suggested by

Thakker.

One of ordinary skill in this art would have been motivated to conform the message as an

asynchronous messaging protocol for sending person-to-person messages between mobile

devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

Regarding claim 38, in the obvious combination, Randall discloses wherein the content

has been previously published on the remote processing system by a publishing end user

(paragraph [0053]).

Regarding claim 39, in the obvious combination, Randall discloses wherein the user

interface comprises a contact list stored in the mobile device (paragraph [0491]), and wherein the

single-action user input is directed to an entry in the contact list corresponding to the publishing

end user (paragraph [0493]).

Regarding claim 40, Randall discloses a mobile device comprising: a communication

interface to enable the mobile device to communicate over a wireless network (Fig. 6); a display

device (Fig. 6); a processor (paragraph [0493]; note that this is inherently present in Randall

since the reference shows a process, the process would be implemented by a processor) and a

memory storing software paragraph [0493]; note that this is inherently present in Randall given

that the reference shows a process, the process would be implemented by a processor which

requires a memory, e.g., a RAM, to function) which, when executed by the processor, causes the

mobile device to output a user interface on the display device (paragraph [0491]), and to respond

to a single-action user input directed to the user interface from a user of the mobile device (paragraph [0493]), by requesting published content from a remote processing system using a first message (paragraphs [0053] and [0493]), such that, in response to the first message, the content is transmitted to the mobile device in a second message paragraph [0493] conforming to said protocol (paragraph [0060]; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices).

Randall fails to disclose the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, Thakker discloses a mobile device which requests published content from a remote processing system using a first message, the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (Fig. 3, reference 140a; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the messages of Randall as an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Thakker.

One of ordinary skill in this art would have been motivated to conform the message as an asynchronous messaging protocol for sending person-to-person messages between mobile devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

Regarding claim 44, in the obvious combination, Randall discloses wherein the content has been previously published on the remote processing system by a publishing end user (paragraph [0053]).

Regarding claim 45, in the obvious combination, Randall discloses wherein the user interface comprises a contact list stored in the mobile device (paragraph [0491]), and wherein the single-action user input is directed to an entry in the contact list corresponding to the publishing end user (paragraph [0493]).

22.   Claims 48 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Hoisko (EP 1148754).

Regarding claim 48, Smith discloses a method as recited in claim 47 (see above). Smith fails to specifically disclose wherein the first message and the second message are MMS messages.

However, in the same field of endeavor of providing location services, Hoisko discloses wherein the first message and the second message are MMS messages (Abstract).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate the first and second messages of Smith as MMS messages as suggested by Hoisko.

One of ordinary skill in this art would have been motivated to incorporate the first and second messages as MMS messages because they encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly.

Regarding claim 52, Smith discloses a method as recited in claim 51 (see above). Smith fails to specifically disclose wherein the first message and the second message are MMS messages.

However, in the same field of endeavor of providing location services, Hoisko discloses wherein the first message and the second message are MMS messages (Abstract).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to incorporate the first and second messages of Smith as MMS messages as suggested by Hoisko.

One of ordinary skill in this art would have been motivated to incorporate the first and second messages as MMS messages because they encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly.

23.   Claims 23-26, 28-32, and 54-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmae in view of Thakker.

Regarding claim 23, Ohmae discloses a method of publishing content from a mobile device on a wireless network, the method comprising:

outputting a user interface on the mobile device (paragraph [0053]); and responding to a single-action user input directed to the user interface by causing content to be transmitted from the mobile device to a remote processing system (paragraph [0054]) and stored in the remote processing system (paragraph [0067]), such that the content, when stored in the remote processing system, is available for transmission to a second device in response to a message from the second device (paragraph [0072]).

Ohmae fails to disclose the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, Thakker discloses content, when stored in the remote processing system, is available for transmission to a second device in response to a message from the second device (col. 4, lines 8-28), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (col. 4, lines 25-28; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the message of Ohmae an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Thakker.

One of ordinary skill in this art would have been motivated to conform the message an asynchronous messaging protocol for sending person-to-person messages between mobile devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

Regarding claim 24, Ohmae in combination with Thakker fails to disclose wherein the message is an MMS message. Nonetheless, Ohmae in combination with Thakker does disclose wherein the message is an SMS message (Thakker: Fig. 2, reference 140a) and the reasons and motivation are stated above for claim 23.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See

e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS

messaging encompasses a wide range of content types making it easily adoptable for today's

generation of mobile users and the message is a multimedia presentation in a single entry,

making it much simpler and user-friendly. Therefore, it would have been obvious to one of

ordinary skill in this art at the time the invention was made to use MMS messaging protocol and

MMS messages for the reasons and motivations stated above.

Regarding claim 25, in the obvious combination, Ohmae discloses wherein the content

comprises rich media content (Fig. 4).

Regarding claim 26, in the obvious combination, Ohmae discloses wherein the message

is addressed using a telephone number (paragraphs [0081] and [0098]; note that user

authentication encompasses a telephone number). Moreover, in the obvious combination,

Thakker also discloses wherein the message is addressed using a telephone number (col. 4, lines

17-22). Therefore, it would have been obvious to one of ordinary skill in this art at the time of

invention by applicant to address the message of Thakker using a telephone number as suggested

by Thakker because it will associate it with the content stored (Thakker: col. 4, lines 20-22).

Regarding claim 28, Ohmae discloses a mobile device comprising: a communication

interface to enable the mobile device to communicate over a wireless network (Fig. 2, reference

119]); a display device (Fig. 2, reference 112; paragraph [0053]); a processor (Fig. 2, reference

113; and a memory storing software which, when executed by the processor, causes the mobile

device to output a user interface on the display device (paragraphs [0053]-[0054]), and to

respond to a single-action user input directed to the user interface from a user of the mobile

device (paragraph [0054]), by sending a command to the remote processing system with the

content (paragraph [0054]), the command instructing the remote processing system to store the content in association with a user of the mobile device (paragraphs [0026] and [0067]), for subsequent transmission by the remote processing system to a second device in response to a message from the second device (paragraph [0072]).

Ohmae fails to disclose the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, Thakker discloses content available for subsequent transmission by a remote processing system to a second device in response to a message from the second device (col. 4, lines 8-28), the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (col. 4, lines 25-28; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the message of Ohmae an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Thakker.

One of ordinary skill in this art would have been motivated to conform the message an asynchronous messaging protocol for sending person-to-person messages between mobile devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

Regarding claim 29, Ohmae in combination with Thakker fails to disclose wherein the message is an MMS message. Nonetheless, Ohmae in combination with Thakker does disclose wherein the message is an SMS message (Thakker: Fig. 2, reference 140a) and the reasons and motivation are stated above for claim 23.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 30, in the obvious combination, Ohmae discloses wherein the content comprises rich media content (Fig. 4).

Regarding claim 31, in the obvious combination, Ohmae discloses wherein the message is addressed using a telephone number (paragraphs [0081] and [0098]; note that user authentication encompasses a telephone number). Moreover, in the obvious combination, Thakker also discloses wherein the message is addressed using a telephone number (col. 4, lines 17-22). Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to address the message of Thakker using a telephone number as suggested by Thakker because it will associate it with the content stored (Thakker: col. 4, lines 20-22).

Regarding claim 32, in the obvious combination, Ohmae discloses wherein said responding to a single-action user input comprises sending a command to the remote processing

system with the content, the command instructing the remote processing system to store the content in association with the user (paragraphs [0026] and [0067]).

Regarding claim 54, Ohmae discloses a method of providing a directory of published content to a user of a mobile device operating on a wireless network, the method comprising: receiving a first message from the mobile device via the wireless network, the first message initiated by a first user using the mobile device (paragraphs [0097]-[0102]), detecting a predetermined indicator in the first message (paragraph [0101]); and in response to detecting the predetermined indicator in the first message, identifying a set of published network-based content (paragraph [0102]) associated with a destination specified by the message and accessible to the first user (paragraphs [0081] and [0098]), and sending to the mobile device a second message identifying the set of network-based content, as a response to the first message (paragraph [0102]).

Ohmae fails to disclose the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices and the second message conforming to said protocol.

However, Thakker discloses a method of providing published content to a user of a mobile device operating on a wireless network (col. 5, lines 6-10) comprising: receiving a first message from the mobile device via the wireless network, the first message initiated by a first user using the mobile device, the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (col. 4, lines 20-28; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices) and sending to the mobile device a second message identifying the network-

based content, as a response to the first message, the second message conforming to said protocol (col. 5, lines 6-23).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the first and second messages of Ohmae an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Thakker.

One of ordinary skill in this art would have been motivated to conform the first and second messages as an asynchronous messaging protocol for sending person-to-person messages between mobile devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

Regarding claim 55, Ohmae in combination with Thakker fails to disclose wherein the first and second messages are MMS messages. Nonetheless, Ohmae in combination with Thakker does disclose wherein the first and second messages are SMS message (Thakker: Fig. 2, reference 140a) and the reasons and motivation are stated above for claim 23.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of

ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 56, in the obvious combination, Ohmae discloses wherein the destination is a telephone number of the end user (paragraphs [0081] and [0098]; note that user authentication encompasses a telephone number).

Regarding claim 57, in the obvious combination, Ohmae discloses wherein the indicator comprises a keyword (paragraph [0101]).

Regarding claim 58, Ohmae discloses a processing system comprising: a communications interface (Fig. 3, reference 205); a processor (Fig. 3, reference 203); and a memory storing software which, when executed by the processor, causes the processing system to execute a process that includes receiving a first message from a mobile device via a wireless network through the communications interface (paragraphs [0098]-[0099]), the message having a destination telephone number (paragraphs [0081], [0098]-[0099]); detecting a predetermined indicator in the first message (paragraph [0100]); and in response to detecting the predetermined indicator in the first message, identifying an end user associated with the destination telephone number (paragraph [0102]), identifying network-based content published by the end user associated with the destination telephone number (paragraphs [0096] and [0102]), and sending a second message identifying network-based content to the mobile device, as a response to the first message (paragraph [0102]).

Ohmae fails to disclose the first message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices and the second message conforming to said protocol.

However, Thakker discloses a method of providing published content to a user of a mobile device operating on a wireless network (col. 5, lines 6-10) comprising: receiving a first message from the mobile device via the wireless network, the first message initiated by a first user using the mobile device, the message conforming to an asynchronous messaging protocol for sending person-to-person messages between mobile devices (col. 4, lines 20-28; note that SMS is an asynchronous messaging protocol for sending person-to-person messages between mobile devices) and sending to the mobile device a second message identifying the network-based content, as a response to the first message, the second message conforming to said protocol (col. 5, lines 6-23).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of invention by applicant to conform the first and second messages of Ohmae an asynchronous messaging protocol for sending person-to-person messages between mobile devices as suggested by Thakker.

One of ordinary skill in this art would have been motivated to conform the first and second messages as an asynchronous messaging protocol for sending person-to-person messages between mobile devices because it is simpler, more reliable, independent, user-friendly, and widely acceptable.

Regarding claim 59, Ohmae in combination with Thakker fails to disclose wherein the first and second messages are MMS messages. Nonetheless, Ohmae in combination with Thakker does disclose wherein the first and second messages are SMS message (Thakker: Fig. 2, reference 140a) and the reasons and motivation are stated above for claim 23.

However, the Examiner takes Official Notice of the fact that at the time the invention was made it was well-known in the art to use MMS messages since MMS has evolved from the popularity of the SMS and it's a standard for sending and receiving multimedia messages which can include any combination of formatted text, images, photographs, audio, and video clips. See e.g., Skog et al. (Pub. No. US 2002/0126708 cited in IDS filed on 3/30/2004). Moreover, MMS messaging encompasses a wide range of content types making it easily adoptable for today's generation of mobile users and the message is a multimedia presentation in a single entry, making it much simpler and user-friendly. Therefore, it would have been obvious to one of ordinary skill in this art at the time the invention was made to use MMS messaging protocol and MMS messages for the reasons and motivations stated above.

Regarding claim 60, in the obvious combination, Ohmae discloses wherein the predetermined indicator comprises a keyword (paragraph [0101]).

24.   Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmae in combination with Thakker (hereinafter "Ohmae/Thakker") as applied to claim 23 above, and further in view of Zilliacus (Pub No.: US 2003/0211856).

Regarding claim 27, Ohmae/Thakker disclose the method as recited in claim 23 (see above). Ohmae/Thakker fail to disclose wherein in response to the single-action user input, the content is transmitted from the mobile device to the remote processing system in a message that conforms to said asynchronous messaging protocol for sending person-to-person messages between mobile devices.

However, Zilliacus discloses a method wherein responding to a single-action user input, content is transmitted from the mobile device to a remote processing system in a message that

conforms to said asynchronous messaging protocol for sending person-to-person messages

between mobile devices (paragraph [0055]).

Therefore, it would have been obvious to one of ordinary skill in this art at the time of

invention by applicant to transmit the content of Ohmae/Thakker in a message that conforms to

said asynchronous messaging protocol for sending person-to-person messages between mobile

devices as suggested by Zilliacus.

One of ordinary skill in this art would have been motivated to transmit the content in a

message that conforms to said asynchronous messaging protocol for sending person-to-person

messages between mobile devices because it is simpler, more reliable, independent, user-

friendly, and widely acceptable.

Conclusion

25.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Marivelisse Santiago-Cordero whose telephone number is (571)
272-7839. The examiner can normally be reached on Monday through Friday from 7:30am to
4:00pm.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the
organization where this application or proceeding is assigned is 571-273-8300.
        Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
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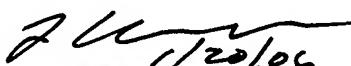
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